



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
86/247,656	03/26/81	UNIVERSITY	R 75671-10

TOWNSEND & TOWNSEND
STEIGART STREET TOWER
FINE MARKET PLAZA
SAN FRANCISCO, CA 94105

EXAMINER	
TARC7493	
ART UNIT	PAPER NUMBER
177	10

DATE MAILED: 05/19/83

Below is a communication from the EXAMINER in charge of this application.

COMMISSIONER OF PATENTS, AND TRADEMARKS

ADVISORY ACTION

THE PERIOD FOR RESPONSE IS EXTENDED TO RUN 3 MONTHS FROM THE DATE OF THE FINAL REJECTION.
855 O.G. 1109.

Appellant's Brief is due in accordance with Rule 192 (a).

Applicant's response to the final rejection, filed _____, has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:
 - a. There is no convincing showing under Rule 116(b).
 - b. They raise new issues that would require further consideration and/or search.
 - c. They raise the issue of new matter.
 - d. They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - e. They present additional claims without cancelling a corresponding number of finally rejected claims.
- Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.
- Upon the filing of an appeal, the proposed amendment will be will not be entered and the status of the claims in this application would be as follows:
 - a. Claims _____ would be allowable.
 - b. Claims 1 and 2 would not be allowable.However:
 - (1) The rejection of claims 1 and 2 on references is deemed to be overcome by applicant's response.
 - (2) The rejection of claims _____ on non-reference grounds only is deemed to be overcome by applicant's response.
- The affidavit, exhibit or request for reconsideration has been entered but does not overcome the rejection.
- The affidavit or exhibit will not be admitted because applicant has not shown good and sufficient reasons why it was not earlier presented.
- The application having been examined under the special accelerated examining procedure (M.P.E.P. 708.02), the proposed amendment has not been considered since it does not prima facie place the application in condition for allowance or in better condition for appeal.

THE PERIOD FOR RESPONSE CONTINUES TO RUN 3 MONTHS FROM THE DATE OF THE FINAL REJECTION. Applicant is reminded that automatic extensions of time for the filing of a timely first response to a final rejection are no longer granted. Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a) accompanied by the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee.

The amendment filed April 12, 1983 under 37 CFR 1.116 in response to the final rejection will be entered upon the filing of an appeal, but is not deemed to place the application in condition for allowance. Upon the filing of an appeal and entry of the amendment, the status of the claims would be as follows:

Allowed claims: None

Rejected claims: 1 and 2

Claims objected to: None

The objection to the specification as being

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non-enabling at the time of the filing is maintained.

Claims 1 and 2 are free of the prior art.

J.E.T.

J.E.TARCZA:vb

703-557-3618

5/3/83



THOMAS G. WISEMAN
EXAMINER
GROUP ART UNIT 172